

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 20, 2001 - 7:00 P.M.**

**A. CALL TO ORDER**

Mayor Rodney G. Nauert called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:00 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Bud Owsley led the Invocation and the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Bradi D. Diaz  
Ray Don Clayton  
John F. Gallen  
Charlotte Heinze  
Fred Harris - **absent**  
Bud Owsley  
Annabelle Smith

Richard Torres, City Manager  
Mary Boone, City Secretary  
Sara Hartin, City Attorney

**D. ANNOUNCEMENTS**

Council member Owsley

- Thanked the Animal Control Ordinance Committee for their guidance and input for the proposed ordinance.

Council member Gallen

- Commended the Library Staff and Friends of the Library for the recent banquet.
- Thanked Danny Austin for his work with the Citizens Police Academy.

Council member Diaz

- Stated the Strategic Planning Committee would be meeting again on March 9<sup>th</sup>.

**E. PUBLIC RECOGNITION**

**F. CITIZEN'S FORUM** citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Buster Davenport – 2006 Patricia – stated he was in favor of a Grievance Committee for the employees of the City of Copperas Cove.

Dianne Steele – 905 North 4<sup>th</sup> – expressed concerns about the method of flushing fire hydrants. They cause flooding for some people and she would like to see a method of notification prior to the flushing.

Bernice Letzer – 2908 Oak Hill Dr. – expressed concern about the need of a notary on responses to variances and other responses back to the city.

## **G. CONSENT ITEMS**

### **ITEM G-2 WAS PULLED FOR SEPARATE CONSIDERATION.**

1. Consideration and action on approval of minutes from February 6, 2001 Regular City Council Meeting. **Mary Boone, TRMC, City Secretary**

Council member Heinze made the motion to approve the minutes from the February 6, 2001 Regular City Council Meeting as provided. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

2. Consideration and action to authorize the City Manager to execute a change order to the professional services contract with Freese & Nichols in the amount of \$16,520.00 for the North Water Line Loop Project. **Paul Boyer, City Engineer**

Council member Diaz made the motion to approve authorizing the City Manager to execute a change order to the professional services contract with Freese & Nichols in the amount of \$16,520.00 for the North Water Line Loop Project. Council. Council member Gallen seconded the motion.

Council member Owsley asked Paul Boyer, City Engineer, to explain what this actually was for. Mr. Boyer explained the professional services contract with Freese and Nichols did not include fees for easement surveys since the route location and number of easements that would be required was unknown. Freese and Nichols had determined that a total of 16 easements would be required and a change order would be necessary for the additional services.

Mr. Boyer went on to explain that City Staff had also requested Freese and Nichols investigate the possibility of hiring a sub-consultant to assist in the negotiations with the land owners for the easements. It was originally thought that City Staff would take the lead in the process, but currently feels it would be more effective to hire right of way specialists to speed up the process.

Council member Heinze asked Steven Alexander, Director of Finance, if the amount suggested would be funded by money to be earned in the future or money already earned. Mr. Alexander stated the money had already been earned.

Following the discussion, council voted unanimously to approve authorizing the City Manager to execute a change order to the professional services contract with Freese & Nichols in the amount of \$16,520.00 for the North Water Line Loop Project. Motion carried.

## **H. PUBLIC HEARINGS/ACTION**

### **I. ACTION ITEMS**

1. Consideration and action on authorizing the City manager to execute change orders to the contract with J. L. Construction in the amount of \$30,771.35 for the Municipal Court Project. ***Paul Boyer, City Engineer***

Council member Clayton made the motion to approve authorizing the City Manager to execute change orders to the contract with J.L. Construction in the amount of \$30,771.35 for the Municipal Court Project. Council member Owsley seconded the motion.

Council member Owsley stated he had spoken with the Judge and the addition to the proposed security system would not cost the taxpayers. Council member Clayton stated there was a \$3.00 charge added to all fines for security purposes. He also stated the City had collected approximately \$130,000 over the past years.

Following the discussion, council voted unanimously to approve authorizing the City Manager to execute change orders to the contract with J.L. Construction in the amount of \$30,771.35 for the Municipal Court Project. Motion Carried.

## **J. STAFF REPORTS**

## **K. REPORTS OF ADVISORY COMMITTEES AND BOARDS**

## **L. ITEMS FOR FUTURE AGENDAS**

Council member Owsley – Animal Control Ordinance on March 6, 2001 Regular Agenda. Council concurred.

Council member Heinze – Grievance Procedures on March 13, 2001 Workshop. Council concurred.

**Mayor Nauert closed the regular session at 7:30 p.m.**

## **M. EXECUTIVE SESSION**

1. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to consult and seek the advice of its attorney concerning the following pending and contemplated litigation:
  - a. City of Copperas Cove v. Roy D. Lehmann, Individually and Lehmann Heritage Corporation; cause number COT-00-33314; In the 52<sup>nd</sup> District Court, Coryell County, Texas
  - b. City of Copperas Cove v. QuickSilver
  - c. Texas Department of Transportation's petition against TXU Electric for refund of amounts of over-charges relating to photocell-controlled lighting
2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the duties of the City Manager.

## **N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION**

**Mayor Nauert reopened the regular session at 8:57 p.m.**

### **Action was only taken on Item M-1(c)**

Council member Diaz made the motion to approve the Statement of City Council as read. Council member Clayton seconded the motion and with a unanimous vote, motion carried.

The statement reads as follows:

**“On this the 20<sup>th</sup> day of February, 2001, the City Council of the City of Copperas Cove, Texas, after having received the complaint of the Texas Department of Transportation against TXU Electric Company dated January 23, 2001, and having exclusive original jurisdiction over electric utilities operating within its corporate limits pursuant to the Texas Utilities Code, hereby issues a statement that it will not consider the complaint.**

**The City Attorney is hereby authorized to notify each of the respective parties of this decision of Council.”**

**O. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:00 p.m.

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Rodney G. Nauert, Mayor

ATTEST:

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Mary Boone, TRMC, City Secretary